

REMARKS

In reply to the Advisory Action dated November 24, 2006, Applicants file herewith a RCE, so this Amendment and Reply should be entered prior to examining the application after RCE. Claims 1-47 were pending in the application and the Examiner rejects claims 1-47. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

The Examiner maintains the rejection of claims 1-47 as being anticipated by Ishibashi, U.S. Patent No. 6,728,379 ("Ishibashi"). Applicants respectfully traverse this rejection.

Applicants respectfully assert that the Examiner has not shown that Ishibashi teaches each and every feature recited in claim 1. In particular, the Examiner fails to fully address the arguments presented by the Applicants submitted in reply to the previous Office Action. In the first Office Action, the Examiner asserts that the "first contents key generation section" and "the second contents key generation section" recited in claim 1 are analogous to item 14 and item 131 respectively, as shown in Figure 8 of Ishibashi. However, in response to the Applicants' arguments, the Examiner no longer alleges item 14 of Ishibashi to be analogous to "the first contents key generation section" and simply generally refers to item 100 of Ishibashi (see page 2, 3rd paragraph of Advisory Action). In particular, it appears that the Examiner now alleges item 131 of Ishibashi to be the "first contents key generation section" recited in claim 1 instead of item 14 (see page 2, 4th and 5th paragraph of Advisory Action, "Item 131 . . . It generates Kcd" and "Item 131 was cited for its role . . . generating the contents key from the second decryption limitation").

However, as Applicants previously argued, item 131 of Ishibashi has not been found to generate a content decryption key Kcd based on a second decryption limitation obtained by updating a first decryption limitation, as recited by claim 1. In particular, item 131 is simply a content key decryption section 131 that decrypts the encrypted content decryption key in order to extract the content decryption key Kcd by using the distribution decryption key Kdd and the storage decryption key Ksd (see col. 10. lines 42-48 of Ishibashi). However, the decryption performed by item 131 to extract the content decryption key Kcd has not been found to be based on a second decryption limitation obtained by updating a first decryption limitation as required by claim 1.

As also previously argued, claim 1 recites "*the encryption device includes ... a first contents key generation section for generating the contents key based on a second decryption limitation ... and ... a decryption device includes a second contents key generation section for*

generating the contents key from the second decryption limitation” (emphasis added). However, the Examiner fails to address such arguments and simply alleges that the Applicants present no supportive argument to traverse the Examiner’s rejections (see page 2, 6th paragraph of Advisory Action). Contrary to the Examiner’s allegation, Applicants clearly provided supportive arguments by stating that Ishibashi fails to teach the aforementioned features of claim 1, and thus, the rejection should be withdrawn.

Moreover, the Examiner simply attempts to argue that Ishibashi teaches a contents key generation section for generating a contents key based on a second decryption limitation. Applicants respectfully disagree. Even if Ishibashi teaches one such contents key generation section, claim 1 clearly requires two contents key generation sections, i.e., “a first contents key generation section” and “a second contents key generation section”. Further, the first contents key generation section is included in the encryption device and the second contents key generation section is included in the decryption device. Moreover, both the first and the second contents key generation sections generate the contents key based on the second decryption limitation. As previously argued by Applicants, but not addressed by the Examiner, Ishibashi fails to teach or suggest at least such features as recited in claim 1. Therefore, it is clear that Ishibashi fails to teach each and every feature recited in claim 1.

Independent claims 14, 26, and 37 are differentiated from Ishibashi for the same reasons as set forth above for differentiating independent claim 1 from Ishibashi such as, for example, Ishibashi fails to teach or suggest the contents key generation section as discussed above.

In addition, Applicants assert that claim 14 requires an encryption device that includes a first encryption section for encrypting the contents using the contents key generated by the first contents key generation section. Applicants assert that the only encryption section that can be found in either items 100 or 200 is the content key encryption section 133. However, the content key encryption section 133 (as its name suggests) only encrypts the content decryption key Kcd by a session key Ksession but **not** the contents, as recited by claim 1.

Applicants also assert that claim 26 recites a decryption device that includes a decryption limitation updating section, a contents key generation section, and a first decryption section. The Examiner appears to allege that item 137 is the decryption limitation updating section. However, Applicants assert that even if item 137 updates and outputs a second decryption limitation, Ishibashi has not been found to disclose a contents key generation section for generating the contents key from the second decryption limitation. Further, Ishibashi has also not been found to disclose a

first decryption section for decrypting encrypted contents using the contents key generated by the contents key generation section. Applicants assert that all such features recited in claim 26 must be included in a decryption device, and it is impermissible to pick and choose elements from items 10, 100 and 200, and engage in hindsight reconstruction of the claimed invention. Applicants assert similar arguments for independent claim 37.

Claims 2-13, 15-25, 27-36 and 38-47 variously depend from independent claims 1, 14, 26 and 37, so Applicants assert that dependent claims 2-13, 15-25, 27-36 and 38-47 are differentiated from the cited reference for the same reasons as set forth above, in addition to their respective features.

Nonetheless, although Applicants assert that the rejections should be withdrawn for at least the arguments as presented above, Applicants amend claims 1, 14, 26 and 37 to further differentiate the claims from the cited reference. In addition, Applicants amend claims 3, 5, 16, 17, 28, 30, 39 and 41 for consistency of claim language.

Furthermore, with reference to Figure 1, Applicants assert that the specification discloses that the encryption device 101 includes an encryption section 113 that encrypts the decryption limitation S1 using the time-varying key VK and the encrypted decryption limitation S2 is outputted to the decryption device 102. Thereafter, the decryption device 102 includes a decryption section 114 that receives the encrypted decryption limitation S2 and decrypts the received decryption limitation S2 using the time-varying key VK and outputs the decryption limitation S1 to the decryption limitation updating section 112 to update the decryption limitation S1 (see page 24, lines 20-33 and Figure 1). The other embodiments disclosed in the specification also disclose such features (see elements 113, 114 and S2 of Figures 3, 4, 5, 6 and 7). As such, Applicants amend claim 1 to recite, "wherein the encryption device (e.g. 101) further includes a third encryption section (e.g. 113) for encrypting the first decryption limitation (e.g. S1) using a time-varying key (e.g. VK) and outputting the second encrypted decryption limitation (e.g. S2) to the decryption device (e.g. 102), and the decryption device (e.g. 102) further includes a third decryption section (e.g. 114) for decrypting the second encrypted decryption limitation (e.g. S2) transferred from the third encryption section (e.g. 113) using the time-varying key (e.g. VK) and outputting the first decryption limitation (e.g. S1)".

Applicants further assert that claim 1 recites an encryption device that includes two encryption sections, that is, a third encryption section (e.g. 113) and a first encryption section (e.g. 119). However, Ishibashi fails to disclose an encryption device that includes the aforementioned two encryption sections. For example, item 100 of Ishibashi, for which the Examiner appears to base his support for teaching the encryption device of claim 1, only has one encryption section 133. In addition, Ishibashi also fails to disclose a decryption device that includes a decryption section for

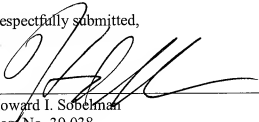
decrypting an encrypted decryption limitation transferred from the encryption device and outputting the first decryption limitation, and a contents key generation section for generating the contents key from the second decryption limitation.

If the Examiner still believes that Ishibashi teaches or suggests each and every feature as recited in the amended claims, Applicants respectfully request that the Examiner clearly state the element(s) of Ishibashi that corresponds to each of the claimed devices and sections recited in the claims which would help to expedite the prosecution of the present application. Applicants respectfully request such a clear explanation from the Examiner such that Applicants can understand why the Examiner may continue to maintain the rejections.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Dated: December 7, 2006

By: 
Howard I. Sobelman
Reg. No. 39,038

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com